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December 23, 2009

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Communication: *International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act*, GN Docket No. 09-47; *National Broadband Plan for Our Future*, GN Docket No. 09-51; *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, As Amended by the Broadband Data Improvement Act, A National Broadband Plan for Our Future*, GN Docket No. 09-137

Dear Ms. Dortch:

In its November 13, 2009 Public Notice in the above-captioned dockets,¹ the Commission invited interested parties to submit financial data in response to a number of detailed questions aimed at identifying the potential impact of changes in current federal intercarrier compensation and universal service funding mechanisms on carriers' existing

¹ *Comment Sought on the Role of the Universal Service Fund and Intercarrier Compensation in the National Broadband Plan*, NBP Notice #19, DA 09-2419 (rel. Nov. 13, 2009) ("NBP Notice #19").

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revenue flows. XO Communications, LLC ("XO") hereby submits its response to several of the questions and data requests posited by the Commission.²

4(f) What percentage of free cash flow (defined as EBITDA minus capex) do high-cost support and/or ICC represent?

XO's response to Question 4(f) is contained in Highly Confidential Attachment A. The information in Attachment A relates exclusively to intercarrier compensation since XO does not receive any high-cost universal service support. The data is presented by month for the 12-month period from November 2008 through October 2009. A 12-month total is included. The results are based on booked revenue for intercarrier compensation as a percentage of total booked revenue. It should be noted that *** BEGIN HIGHLY CONFIDENTIAL ***

*** END HIGHLY CONFIDENTIAL ***

4(h)(i) Total intercarrier compensation minutes of use, payments and revenues in the aggregate as well as separating terminating traffic into three categories: intrastate access, interstate access and reciprocal compensation. Responses should separate originating access revenues and payments from terminating access revenues and payments, and identify net payments.

XO's response to Request 4(h)(i) is contained in Highly Confidential Attachment B. The information in Attachment B corresponds to XO's interstate and intrastate originating and terminating intercarrier compensation billed revenue³ for the 12-month period from November 2008 through October 2009. Payment detail is only available in the aggregate.

4(h)(ii) Identify total intercarrier compensation revenues as a percentage of total revenues (total regulated revenues and as a percentage of total revenues).

XO's response to Request 4(h)(ii) is contained in Highly Confidential Attachment A.

4(h)(ii) Identify total intercarrier compensation expenses as a percentage of total expenses (total regulated expenses as a percentage of total expenses).

² The financial data contained herein is extremely competitively sensitive and thus requires submission on a Highly Confidential basis as provided for in the October 8, 2009 Protective Order in GN Docket No. 09-51. *See A National Broadband Plan for Our Future*, GN Docket No. 09-51, Protective Order, DA 09-2187 (rel. Oct. 8, 2009).

³ Billed revenue is not identical to booked revenue because of adjustments, bad debt, etc. The XO data is being submitted on a billed revenue basis because that is the only way for XO to separately identify the direction and jurisdiction of the traffic.

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Highly Confidential Table 1 below shows XO's switched access minutes of use and switched access expenses for the 12-month period from November 2008 through October 2009. Please note that this table does not include intraLATA switched access minutes of use and expenses.

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Switched	

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Highly Confidential Table 2 below shows XO's reciprocal compensation and intraLATA toll expenses for the 12-month period from November 2008 through October 2009.⁴

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⁴ This table does not include XO's reciprocal compensation and intraLATA toll minutes of use because they were not available.

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XO appreciates the opportunity to submit this data to the Commission and hopes that it assists the Commission in its efforts to identify the changes that should be made to the current interstate intercarrier compensation regime.

Please feel free to contact the undersigned with any questions regarding this filing.

Respectfully submitted,

The signature is written in a cursive, handwritten style. It reads "Genevieve Morelli" with a small, stylized flourish or initial at the end of the name.

Genevieve Morelli

Counsel to XO Communications, LLC

Attachments

Attachment A

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Attachment B

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